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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,843	09/22/2003	Michael Johnson	2098/US	4980
20686	7590	02/14/2006		
DORSEY & WHITNEY, LLP INTELLECTUAL PROPERTY DEPARTMENT 370 SEVENTEENTH STREET SUITE 4700 DENVER, CO 80202-5647			EXAMINER GIBSON, ROY DEAN	
			ART UNIT	PAPER NUMBER
			3739	

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



***Restriction***

Newly submitted claims 21-24, 31-33 and 40-44 are directed to an invention(s) that is/are independent or distinct from the invention originally claimed for the following reasons: as to claims 21-24, 31-33 the invention is a tubular body for a catheter or lead; and for claims 40-44, a method of manufacturing a tubular body for a catheter or lead.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 21-24, 31-33 and 40-44 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03. Therefore, claims 1, 6-11, 13-20, 25-30, 34-39 and 45-52 are currently under examination.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11, 13-14, 25-27 and 45-52 are rejected under 35 U.S.C. 102(b) as being anticipated by Hauser et al. (5,052,407).

As to claims 11 and 13-14, Hauser et al disclose a lead system for eliciting an electrical response from tissue, comprising;

a lead body (10) solid in lateral cross-section (Figures 1 and 2);

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a lead tip (16) operably connected to the lead body;  
a first electrically conductive element integrally formed with the lead  
body (18);  
a first energy delivery element (pulse generator or power source) operably  
connected to the first  
electrically conductive element;  
a second electrically conductive element integrally formed with the lead body;  
and  
a first electrical sensing element operably connected to the second electrically  
conductive element (additional separate conductive surfaces and conductor to  
perform ECG sensing, cardiac pacing, etc, (diagnostic apparatus: col. 3, line 46-col. 5,  
line 14 and col. 7, lines 31-64).

Further to claim 13, Hauser et al. disclose a stylette (22) and a lumen for the  
stylette (Figure 16 and col. 4, lines 32-55 and col. 7, lines 31-64).

Further to claims 25-27, Hauser et al. disclose that longitudinally extending  
conductive region (electrode # 64) and non-conductive region (66) are formed by  
extrusion, which would inherently include the conductive element (18 and col. 7, lines  
31-36).

Further to claims 45-52, Hauser et al. disclose a cardiac electrode or catheter  
which can partially be formed of a polyurethane layer with integral lead wire(s) or a trace  
(inherent in the use of more than one lead wire (Figure 17 and col. 7, lines 1-36).

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Claims 34-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Diaz (5,824,026). Diaz discloses a catheter comprising:

a tubular body portion comprising first and second concentric polymer layers (Figure 2, # 17 and 32);

a conductive element (metal fibers) longitudinally extending between the concentric layers;

and

a bond between the concentric layers; and an electrode (Figure 1, # 24 or 26) operably coupled to a distal end of the catheter with the conductive element (col. 4, line 11-col. 5, line 24).

In claims 34, 36 and 38, the method of forming the bond is interpreted as a product by process and, therefore, not given any patentable weight (see MPEP 2113 [R-1] since the final catheter of Diaz is the same as claimed.

### ***Allowable Subject Matter***

Claims 1, 6-10 and 16-20 are allowed.

Claims 28-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roy D. Gibson whose telephone number is 571-272-4767. The examiner can normally be reached on Tu-Th, 7:30 am-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda Dvorak can be reached on 571-272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Roy D. Gibson  
Primary Examiner  
Art Unit 3739

February 6, 2006